

Summary  
Water Pollution Control Board  
Indiana Government Center South  
Conference Center Room 32  
Indianapolis, Indiana  
Wednesday, September 10, 2008

**1. CALL TO ORDER**

Chairman Gary Powdrill called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Gary Powdrill (Chairman); Ted Alexander; Jim Flannery; Mark Legan; Dave Wagner; Jim Ray (proxy for Robert E. Carter, IDNR) Brandon Seitz (proxy for Becky Skillman, Lt. Governor ); Howard Cundiff (proxy for Dr. Judith A. Monroe, IDOH); Pam Fisher (proxy for Nathan J. Feltman, Sec. of IEDC); and Deborah Albright (board counsel).

Present for IDEM: Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ, and Pat Carroll, Chief, Drinking Water Branch, OWQ; Stacy Jones; Technical Environmental Specialist/Regulatory Development, Drinking Water Branch, OWQ and Natalie Maupin, Pretreatment Compliance Coordinator, Compliance Branch, OWQ.

**2. INTRODUCTION OF BOARD MEMBERS**

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

**3. APPROVAL OF SUMMARY**

Chairman Powdrill called for the approval of the July 9, 2008, board summary. A motion was made and seconded to approve the July 9, 2008, board summary. The WPCB voted unanimously to approve the summary without change.

**4. REPORTS**

Mr. Bruno Pigott reported:

- *E.coli* (Compliance with the Single Sample Maximum limitation) – IDEM received a partial approval from EPA concerning this final rule. He discussed why EPA was not required to approve the article 327 5-10-5 portion of the final rule within 60 days. Program staff members are sending letters to communities letting them know how the new rule applies to them, how they can revise their permits, and giving them options on how to be compliant with the rule.
- Sulfate Criterion Rule – Final rule became effective on June 21, 2008. IDEM staff sent the final rule to EPA for approval and is now waiting to hear from EPA.
- Indianapolis CSO Wet Weather Limited Use Subcategory – IDEM is conferring with EPA on language changes. This rulemaking is expected to come before the board at the December meeting.
- Drinking Water Standards (2006/2007 Federal Rulemaking) –Progress is being made with the internal workgroup that is working on the Stage II portion of the rule language. There will be external meetings in October and November. IDEM anticipates the rulemaking being ready to second notice in October.
- NPD-017: Wastewater Review Process for Sewer Connection Ban Analysis and Implementation – Based on the sewer ban rule's changes raised by the CSO communities, this NPD is in the process of moving to the Commissioner for his approval; afterwards, the NPD will start its 45-day circulation period process.
- National Pollutant Discharge Elimination System (NPDES) Permitting Backlogged –The agency is making progress on the industrial permitting backlog with only having 7 majors and 9 minors backlogged. Mr. Pigott added that all of the municipal NPDES permits were current.

Ms. Martha Clark Mettler reported:

- Antidegradation –The rulemaking overall continues to move ahead. She met with EQSC on Aug. 27<sup>th</sup> to explain why the rule was needed. The rulemaking will probably be ready to come to the water board after December 2008.

## 5. PRESENTATION

Before the NPD-018 presentation, Ms. Mettler announced that one comment letter had been received from Ms. Maggie McShane, Indiana Petroleum Council. Even though the letter was outside the comment period, she encouraged the board to review it. Ms. Mettler noted, later in the meeting, that she had spoken to Ms. McShane about the concerns expressed in the comment letter.

Mr. Pat Carroll spoke about the NPD-018: Implementation of Ground Water Quality Standards (327 IAC 2-11).

There were two public commenters:

1. Mr. Vince Griffin, Indiana State Chamber of Commerce, expressed appreciation to IDEM for developing a fair non-rule policy document.
2. Mr. Dan Weiss, Duke Energy Corp., agreed with Mr. Griffin's comments. He thought the workgroup had been a productive process in helping to develop a NPD for folks to better understand the Arsenic rule.

## 6. RULE ACTION

### #06-280 Arsenic Revisions to Groundwater Quality Standards

Chairman Powdrill opened the public hearing for consideration of final adoption of the Arsenic Revisions to Groundwater Quality Standards rules of 327 IAC 2-16-6.

Ms. Stacy Jones, Technical Environmental Specialist/Regulatory Development, spoke for the agency.

There were no public commenters. The public hearing ended.

There was no board discussion.

A motion was made and seconded to final adopt the proposed rule as preliminarily adopted. With a roll call vote, the board voted unanimously to final adopt the proposed rule as presented.

### #06-156 Pretreatment Streamlining

Chairman Powdrill opened the public hearing for consideration of final adoption of the Pretreatment Streamlining rules of 327 IAC 2-5.

Ms. Natalie Maupin, Pretreatment Compliance Coordinator, spoke for the agency.

There were no public commenters. The public hearing ended.

There was no board discussion.

A motion was made and seconded to final adopt the proposed rule as preliminarily adopted. With a roll call vote, the board voted unanimously to final adopt the proposed rule as presented.

## 7. OPEN FORUM

There were no public commenters.

## 8. ADJOURNMENT

Chairman Powdrill announced that since there is no rule action scheduled for the October 8<sup>th</sup> board agenda, the off-site meeting scheduled at the Northwest Indiana Forum would be cancelled. He added that if there is no rule action scheduled for the November 12<sup>th</sup> water board meeting, more than

likely, it would also be cancelled.

Thereafter, Chairperson Powdrill adjourned the WPCB meeting at 2:07 p.m. The next WPCB meeting is tentatively scheduled for Wednesday, November 12, 2008, Indiana Government Center South, Conference Room 32 at 1:30 p.m., E.S.T.

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**CHAIRPERSON**

The summary is derived from Office of Water Quality Rules Section staff notes; however, a court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Water Quality, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>